

Entered - 07/06/00 - sb  
CL00L0409 - DIANNE C. MITCHELL

00- *R*-1597

CLAIM OF: ERSKINE JONES, JR., AS FATHER OF ERSKINE  
JONES, III, deceased,  
through his attorney,  
Martin H. Rubin  
31 Lenox Pointe, NE  
Atlanta, Georgia 30324-3172

For damages alleged to have been sustained as a result of a vehicular  
accident on May 3, 2000 at Ralph David Abernathy Boulevard, SW and  
West End Place, SW.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0409

Date: September 27, 2000

Claimant /Victim ERSKINE JONES, JR. AS FATHER OF ERSKINE JONES, III, deceased  
BY: (Atty.) Martin H. Rubin  
Address: 31 Lenox Pointe, Atlanta, Georgia 30324-3172  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 06/26/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)         
Date of Occurrence 05/03/00 Place: Ralph David Abernathy Blvd., SW and West End Pl. SW  
Department Police Division:         
Employee involved Barry Hereford Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges his son was struck and killed by a motorist involved in a chase with an Atlanta police officer. The City is immune from the tort actions of its police officers as set forth in O.C.G.A. §36-33-3.

### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 09-27-00  
Committee Action:        Council Action

LAW OFFICES  
MARTIN H. RUBIN, P.C.  
A PROFESSIONAL CORPORATION  
LENOX POINTE  
31 LENOX POINTE, N.E.  
ATLANTA, GEORGIA 30324-3172

*Jordan*  
*06/26/00*  
*AM*

MARTIN H. RUBIN

June 23, 2000

404/264-9105  
FAX 404/264-9108

**VIA CERTIFIED MAIL**

Honorable William C. Campbell  
City Hall, Suite 2400  
55 Trinity Avenue, S.W.  
Atlanta, GA 30335

ENTERED - 7-6-00 - SB  
00L0409 - DOBBS JORDAN

Re: Erskine Jones, III, Deceased

Dear Mayor Campbell:

I represent Erskine Jones, Jr. the father of Erskine Jones, III, deceased. Erskine Jones, III was killed as a result of an incident occurring on May 3, 2000 in the City of Atlanta. The incident happened near the intersection of Ralph David Abernathy Boulevard, S.W. and West End Place, S.W. The incident occurred as a result of a police chase of a vehicle driven by Barry Hereford, which chase was unnecessarily risky and reckless by the City of Atlanta police involved in the chase of Mr. Hereford. By the utter disregard of pedestrians such as Erskine Jones, III the same also constitutes a violation of the civil rights of the said decedent.

This letter is being written to you on behalf of Erskine Jones, Jr. as the surviving father of his now deceased son who was 19 years of age at the time of the incident.

We are sending a copy of this letter to the City Council, in care of its President Robert L. Pitts and to Susan P. Langford, your City Attorney. This notice is sent to you pursuant to the requirements of O.C.G.A. 36-33-5. We request a response as to whether or not you're prepared to enter into negotiations for a settlement.

Very truly yours,

*Martin H. Rubin*  
Martin H. Rubin

MHR:bk

cc: Robert L. Pitts  
55 Trinity Ave., S.W.  
Suite 2900  
Atlanta, GA 30335  
via certified mail

Susan P. Langford  
City Hall Tower, Suite 4100  
68 Mitchell Street  
Atlanta, GA 30335-0332  
via certified mail

00- -1597